

09-27-01

A

Please type a plus sign (+) inside this box →

+

PTO/SB/05 (08-00) (modified)

Approved for use through 9/30/2001, OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

NEW UTILITY PATENT APPLICATION TRANSMITTAL

(only for new nonprovisional applications under

37 CFR 1.53(b))

Attorney Docket Number

21216-05686

First Named Inventor

Stewart K. Hester

Title

Distributed Processor Modules And
Persistent Storage In An Optical
Network

Express Mail Label No.

EL482716555US

APPLICATION ELEMENTS

1. ☒ Fee Transmittal Form (in duplicate)
2. ☐ Applicant claims small entity status.
See 37 CFR 1.27
3. ☒ Specification Total Pages 28
(preferred arrangement set forth below)
 - Descriptive Title of the Invention
 - Cross Reference(s) to Related Case(s)
 - Statement Regarding Fed sponsored R & D
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawing(s)
 - Detailed Description
 - Claim or Claims
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. Total Sheets 10
113)
5. Oath or Declaration
 - a. ☒ New Declaration Total Pages 2
 - ☒ Executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

ACCOMPANYING APPLICATION PARTS

7. ☒ Assignment Papers (cover sheet & document(s))
8. ☐ Certified Copy of Priority Document(s) (if foreign priority
is claimed)
9. ☐ Power of Attorney or Authorization of Agent
10. ☐ 37 CFR 3.73(b) Statement
11. ☐ Preliminary Amendment
12. ☒ Information Disclosure Statement & PTO-1449
☒ Copies of IDS Citation(s) A-C
13. ☒ Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form
PTO/SB/35 or its equivalent
14. ☒ Return Postcard
15. ☐
16. ☐
17. ☐

ADDRESS TO:

**Box Patent Application
Commissioner for Patents
Washington, D.C. 20231**

18. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: ____/____

Prior application information: Examiner: _____ Group/Art Unit: _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuing or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS



Customer Number and Bar Code
Label



00758

Name (Print/Type)

Eileen A. Lehmann

Registration No. (Attorney/Agent)

39,272

Signature

Eileen A. Lehmann

Date

09/25/01

21216/05686/DOCS/1210013.1

11042 U.S. PTO
09/25/01

09/25/01 09/25/01

11060 U.S. PTO
09/25/01

0002/PTO(modified) Rev. 10/2000	U.S. Department of Commerce Patent and Trademark Office	Complete if Known	
FEE TRANSMITTAL TOTAL AMOUNT OF PAYMENT Subtotal (1) + Subtotal (2) + Subtotal (3) = (\$ 1644.00)		Application Number	Not yet known
		Filing Date	September 25, 2001
		First Named Inventor	Stewart K. Hester
		Group Art Unit	Not yet known
		Examiner Name	Not yet known
		Attorney Docket Number	21216-05686

METHOD OF PAYMENT	FEE CALCULATION (continued)																																																																																								
1. The Commissioner is hereby authorized to: <input type="checkbox"/> Charge the indicated fees to the below mentioned deposit account. <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.16 - 1.21 or credit any over payments to the below mentioned deposit account. [†] <input type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27 Deposit Account Number: 19-2555 Deposit Account Name: FENWICK & WEST LLP A Duplicate Copy of this authorization is attached 2. <input checked="" type="checkbox"/> Payment Enclosed: <input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Other	3. ADDITIONAL FEES <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Large Entity</u> Fee Code/Fee</th> <th style="text-align: left;"><u>Small Entity</u> Fee Code/Fee</th> <th style="text-align: left;">Fee Description</th> <th style="text-align: right;">Fee Due</th> </tr> </thead> <tbody> <tr><td>105/\$130</td><td>205/\$65</td><td>Surcharge - late filing fee or oath</td><td style="text-align: right;">[]</td></tr> <tr><td>127/\$50</td><td>227/\$25</td><td>Surcharge-late provisional filing fee or cover sheet</td><td style="text-align: right;">[]</td></tr> <tr><td>147/\$2,520</td><td>147/\$2,520</td><td>For filing a request for reexamination</td><td style="text-align: right;">[]</td></tr> <tr><td>115/\$110</td><td>215/\$55</td><td>Extension for response within first month[†]</td><td style="text-align: right;">[]</td></tr> <tr><td>116/\$390</td><td>216/\$195</td><td>Extension for response within second month[†]</td><td style="text-align: right;">[]</td></tr> <tr><td>117/\$890</td><td>217/\$445</td><td>Extension for response within third month[†]</td><td style="text-align: right;">[]</td></tr> <tr><td>118/\$1,390</td><td>218/\$695</td><td>Extension for response within fourth month[†]</td><td style="text-align: right;">[]</td></tr> <tr><td>128/\$1,890</td><td>228/\$945</td><td>Extension for response within fifth month[†]</td><td style="text-align: right;">[]</td></tr> <tr><td>119/\$310</td><td>219/\$155</td><td>Notice of Appeal</td><td style="text-align: right;">[]</td></tr> <tr><td>141/\$1,240</td><td>241/\$620</td><td>Petition to revive unintentionally abandoned application</td><td style="text-align: right;">[]</td></tr> <tr><td>142/\$1,240</td><td>242/\$620</td><td>Utility Issue Fee (Or Reissue)</td><td style="text-align: right;">[]</td></tr> <tr><td>143/\$440</td><td>243/\$220</td><td>Design Issue Fee</td><td style="text-align: right;">[]</td></tr> <tr><td>122/\$130</td><td>122/\$130</td><td>Petitions to the Commissioner</td><td style="text-align: right;">[]</td></tr> <tr><td>126/\$180</td><td>126/\$180</td><td>Submission of Information Disclosure Statement</td><td style="text-align: right;">[]</td></tr> <tr><td>179/\$710</td><td>279/\$355</td><td>Request for Continued Examination (RCE)</td><td style="text-align: right;">[]</td></tr> <tr><td>581/\$40</td><td>581/\$40</td><td>Recording each patent assignment per property (times number of properties)</td><td style="text-align: right;">40 ✓</td></tr> <tr><td>146/\$710</td><td>246/\$355</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td style="text-align: right;">[]</td></tr> <tr><td>149/\$710</td><td>249/\$355</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td style="text-align: right;">[]</td></tr> <tr><td colspan="3">Other fee (specify):</td><td style="text-align: right;">[]</td></tr> <tr><td colspan="3">Other fee (specify):</td><td style="text-align: right;">[]</td></tr> <tr> <td colspan="3" style="text-align: right;">SUBTOTAL (3)</td> <td style="text-align: right;">(\$ 40)</td> </tr> </tbody> </table>	<u>Large Entity</u> Fee Code/Fee	<u>Small Entity</u> Fee Code/Fee	Fee Description	Fee Due	105/\$130	205/\$65	Surcharge - late filing fee or oath	[]	127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet	[]	147/\$2,520	147/\$2,520	For filing a request for reexamination	[]	115/\$110	215/\$55	Extension for response within first month [†]	[]	116/\$390	216/\$195	Extension for response within second month [†]	[]	117/\$890	217/\$445	Extension for response within third month [†]	[]	118/\$1,390	218/\$695	Extension for response within fourth month [†]	[]	128/\$1,890	228/\$945	Extension for response within fifth month [†]	[]	119/\$310	219/\$155	Notice of Appeal	[]	141/\$1,240	241/\$620	Petition to revive unintentionally abandoned application	[]	142/\$1,240	242/\$620	Utility Issue Fee (Or Reissue)	[]	143/\$440	243/\$220	Design Issue Fee	[]	122/\$130	122/\$130	Petitions to the Commissioner	[]	126/\$180	126/\$180	Submission of Information Disclosure Statement	[]	179/\$710	279/\$355	Request for Continued Examination (RCE)	[]	581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)	40 ✓	146/\$710	246/\$355	Filing a submission after final rejection (37 CFR 1.129(a))	[]	149/\$710	249/\$355	For each additional invention to be examined (37 CFR 1.129(b))	[]	Other fee (specify):			[]	Other fee (specify):			[]	SUBTOTAL (3)			(\$ 40)
<u>Large Entity</u> Fee Code/Fee	<u>Small Entity</u> Fee Code/Fee	Fee Description	Fee Due																																																																																						
105/\$130	205/\$65	Surcharge - late filing fee or oath	[]																																																																																						
127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet	[]																																																																																						
147/\$2,520	147/\$2,520	For filing a request for reexamination	[]																																																																																						
115/\$110	215/\$55	Extension for response within first month [†]	[]																																																																																						
116/\$390	216/\$195	Extension for response within second month [†]	[]																																																																																						
117/\$890	217/\$445	Extension for response within third month [†]	[]																																																																																						
118/\$1,390	218/\$695	Extension for response within fourth month [†]	[]																																																																																						
128/\$1,890	228/\$945	Extension for response within fifth month [†]	[]																																																																																						
119/\$310	219/\$155	Notice of Appeal	[]																																																																																						
141/\$1,240	241/\$620	Petition to revive unintentionally abandoned application	[]																																																																																						
142/\$1,240	242/\$620	Utility Issue Fee (Or Reissue)	[]																																																																																						
143/\$440	243/\$220	Design Issue Fee	[]																																																																																						
122/\$130	122/\$130	Petitions to the Commissioner	[]																																																																																						
126/\$180	126/\$180	Submission of Information Disclosure Statement	[]																																																																																						
179/\$710	279/\$355	Request for Continued Examination (RCE)	[]																																																																																						
581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)	40 ✓																																																																																						
146/\$710	246/\$355	Filing a submission after final rejection (37 CFR 1.129(a))	[]																																																																																						
149/\$710	249/\$355	For each additional invention to be examined (37 CFR 1.129(b))	[]																																																																																						
Other fee (specify):			[]																																																																																						
Other fee (specify):			[]																																																																																						
SUBTOTAL (3)			(\$ 40)																																																																																						
1. FILING FEE <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Large Entity</u> Fee Code/Fee</th> <th style="text-align: left;"><u>Small Entity</u> Fee Code/Fee</th> <th style="text-align: left;">Fee Description</th> <th style="text-align: right;">Fee Due</th> </tr> </thead> <tbody> <tr><td>101/\$710</td><td>201/\$355</td><td>Utility Filing</td><td style="text-align: right;">710</td></tr> <tr><td>106/\$320</td><td>206/\$160</td><td>Design Filing</td><td style="text-align: right;">[]</td></tr> <tr><td>108/\$710</td><td>208/\$355</td><td>Reissue</td><td style="text-align: right;">[]</td></tr> <tr><td>114/\$150</td><td>214/\$75</td><td>Provisional Filing</td><td style="text-align: right;">[]</td></tr> <tr> <td colspan="3" style="text-align: right;">SUBTOTAL (1)</td> <td style="text-align: right;">(\$ 710)</td> </tr> </tbody> </table>	<u>Large Entity</u> Fee Code/Fee	<u>Small Entity</u> Fee Code/Fee	Fee Description	Fee Due	101/\$710	201/\$355	Utility Filing	710	106/\$320	206/\$160	Design Filing	[]	108/\$710	208/\$355	Reissue	[]	114/\$150	214/\$75	Provisional Filing	[]	SUBTOTAL (1)			(\$ 710)	2. CLAIMS <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;"><u>Large Entity</u> Fee Code/Fee</th> <th style="text-align: left;"><u>Small Entity</u> Fee Code/Fee</th> <th style="text-align: left;">Fee Description</th> </tr> </thead> <tbody> <tr><td>103/\$18</td><td>203/\$9</td><td>Claims in excess of 20</td></tr> <tr><td>102/\$80</td><td>202/\$40</td><td>Independent claims in excess of 3</td></tr> <tr><td>104/\$270</td><td>204/\$135</td><td>Multiple dependent claim</td></tr> <tr><td>109/\$80</td><td>209/\$40</td><td>Reissue independent claims over original patent</td></tr> <tr><td>110/\$18</td><td>210/\$9</td><td>Reissue claims in excess of 20 and over original patent</td></tr> </tbody> </table>	<u>Large Entity</u> Fee Code/Fee	<u>Small Entity</u> Fee Code/Fee	Fee Description	103/\$18	203/\$9	Claims in excess of 20	102/\$80	202/\$40	Independent claims in excess of 3	104/\$270	204/\$135	Multiple dependent claim	109/\$80	209/\$40	Reissue independent claims over original patent	110/\$18	210/\$9	Reissue claims in excess of 20 and over original patent																																														
<u>Large Entity</u> Fee Code/Fee	<u>Small Entity</u> Fee Code/Fee	Fee Description	Fee Due																																																																																						
101/\$710	201/\$355	Utility Filing	710																																																																																						
106/\$320	206/\$160	Design Filing	[]																																																																																						
108/\$710	208/\$355	Reissue	[]																																																																																						
114/\$150	214/\$75	Provisional Filing	[]																																																																																						
SUBTOTAL (1)			(\$ 710)																																																																																						
<u>Large Entity</u> Fee Code/Fee	<u>Small Entity</u> Fee Code/Fee	Fee Description																																																																																							
103/\$18	203/\$9	Claims in excess of 20																																																																																							
102/\$80	202/\$40	Independent claims in excess of 3																																																																																							
104/\$270	204/\$135	Multiple dependent claim																																																																																							
109/\$80	209/\$40	Reissue independent claims over original patent																																																																																							
110/\$18	210/\$9	Reissue claims in excess of 20 and over original patent																																																																																							
<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;"></td> <td style="width:15%; text-align: center;">(Col. 1)</td> <td style="width:15%; text-align: center;">(Col. 2)</td> <td style="width:15%; text-align: center;">(Col. 3)</td> <td style="width:15%;"></td> <td style="width:15%;"></td> <td style="width:15%;"></td> <td style="width:15%;"></td> </tr> <tr> <td>For</td> <td>No. of Existing Claims</td> <td>Highest No. Previously Paid For</td> <td>Extra**</td> <td>x</td> <td>Fee</td> <td>=</td> <td>Fee Due</td> </tr> <tr> <td>TOTAL</td> <td style="text-align: center;">43</td> <td style="text-align: center;">20</td> <td style="text-align: center;">23</td> <td style="text-align: center;">x</td> <td style="text-align: center;">18</td> <td style="text-align: center;">=</td> <td style="text-align: center;">414</td> </tr> <tr> <td>INDEP</td> <td style="text-align: center;">9</td> <td style="text-align: center;">3</td> <td style="text-align: center;">6</td> <td style="text-align: center;">x</td> <td style="text-align: center;">80</td> <td style="text-align: center;">=</td> <td style="text-align: center;">480</td> </tr> <tr> <td colspan="8">[] First presentation of multiple dependent claim</td> </tr> </table>			(Col. 1)	(Col. 2)	(Col. 3)					For	No. of Existing Claims	Highest No. Previously Paid For	Extra**	x	Fee	=	Fee Due	TOTAL	43	20	23	x	18	=	414	INDEP	9	3	6	x	80	=	480	[] First presentation of multiple dependent claim																																																							
	(Col. 1)	(Col. 2)	(Col. 3)																																																																																						
For	No. of Existing Claims	Highest No. Previously Paid For	Extra**	x	Fee	=	Fee Due																																																																																		
TOTAL	43	20	23	x	18	=	414																																																																																		
INDEP	9	3	6	x	80	=	480																																																																																		
[] First presentation of multiple dependent claim																																																																																									
* Subtract the greater number of Col. 2 ** If the difference between Col. 1 and Col. 2 is less than zero, then enter "0" in Col. 3		SUBTOTAL (2) (\$ 894)																																																																																							

SUBMITTED BY		Complete (if applicable)	
Typed or Printed Name	Eileen A. Lehmann	Reg. Number	39,272
Signature	<i>Eileen A. Lehmann</i>	Date	09/25/01

21216/05686/DOCS/1210018.1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor		Stewart K. Hester
Title	Distributed Processor Modules And Persistent Storage In An Optical Network	
Atty Docket Number		21216-05686

I hereby certify that the invention disclosed in the attached application **has not been and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

09/25/01

Date

Eileen A. Lehmann

Signature

Eileen A. Lehmann, 39,272

Typed or printed name/Registration Number

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**